



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

CRIMINAL APPEALS AND  
FEDERAL HABEAS CORPUS BUREAU

June 4, 2020

**BY ECF**

Hon. John G. Koeltl  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Figueroa v. Keyser*, No. 20 Civ. 3013 (JGK)(RWL)

Your Honor:

I write on behalf of respondent in this pro se habeas corpus action, in which petitioner William Figueroa, a state prisoner incarcerated at Sullivan Correctional Facility, seeks the extraordinary remedy of release based on the presence of COVID-19 cases in that facility. Respondent's motion to dismiss the petition (ECF #7, 11, 16) is pending, and the Court has ordered respondent to answer the Petition on the merits (ECF #17).

Respondent respectfully requests that the Court authorize the New York State Department of Corrections and Community Supervision ("DOCCS") to release petitioner's medical history to respondent for use in this litigation. Petitioner alleges that his medical conditions – including psoriasis, a history of asthma, and past treatment for "hepatitis-related complications" (ECF #1 at 1; ECF 10 at 1) – place him at increased risk in the event he contracts COVID-19. In order to respond to these allegations, respondent requires information about petitioner's medical treatment while in DOCCS' custody.

In an abundance of caution we ask the Court to authorize release of petitioner's medical information by "So ordering" this letter.

Hon. John G. Koeltl

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Pursuant to 28 U.S.C. § 1746 I declare that, on this date, I caused petitioner to be served with a copy of this letter by causing it to be mailed by First-Class United States Mail to the address listed below.

Respectfully submitted,

/s Matthew Keller  
Matthew Keller  
Assistant Attorney General  
28 Liberty Street  
New York, New York 10005  
(212) 416-6072

cc: Mr. William Figueroa (By Regular Mail)  
91-A-2142  
Sullivan Correctional Facility  
P.O. Box 116  
Fallsburg, New York 12733

The DOC is authorized to disclose the petitioner's medical records to the petitioner and the respondent solely for the purposes of this litigation. The records, to the extent they are submitted to the Court, should be filed under seal. The Court will mail a copy of this order to the pro se petitioner.

SO ORDERED.

New York, NY

June 4, 2020

/s/ John G. Koeltl

John G. Koeltl, U.S.D.J.